

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CORDELL CURRY STEWART,)
)
Petitioner,)
)
v.)
)
TOM P. MCKENNEY, STATE OF)
NEBRASKA, and DOUGLAS)
COUNTY PROSECUTORS OFFICE,)
)
Respondents.)

8:08CV257

**MEMORANDUM
AND ORDER**

This matter is before the court on the Petitioner's Motion to Dismiss. ([Filing No. 6](#).) On June 27, 2008, the court determined that the petition was insufficient and ordered the petitioner to file an amended petition. ([Filing No. 5](#).) The petitioner now seeks dismissal of his petition without prejudice¹ "based on the advice of [his] attorney." ([Filing No. 6](#).) The petitioner's Motion to Dismiss is granted in accordance with [Federal Rule of Civil Procedure 41\(a\)\(1\)](#) and [Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts](#). This matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. The petitioner's Motion to Dismiss ([filing no. 6](#)) is granted and this matter is dismissed without prejudice.

¹Petitioner seeks dismissal without prejudice so that "it doesn't harm [his] rights or cancel [his] privileges [sic]." ([Filing No. 6](#).) In accordance with his request, the court will dismiss the Petition without prejudice but cannot advise Petitioner regarding any effect the dismissal may have on any "rights" or "privileges."

2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated July 10, 2008.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge